

## Argentina

### *Selected Statistics and Indicators on Child Labor*

Percent of children 10-14 estimated as working in 1997:	20.7% <sup>181</sup>
Minimum age for admission to work:	14 <sup>182</sup>
Age to which education is compulsory:	18 <sup>183</sup>
Free public education:	Yes <sup>184</sup>
Gross primary enrollment rate in 2003:	112% <sup>185</sup>
Net primary enrollment rate in 2003:	99% <sup>186</sup>
Percent of children 5-14 attending school in 1997:	96.6% <sup>187</sup>
As of 2002, percent of primary school entrants likely to reach grade 5:	84% <sup>188</sup>
Ratified Convention 138:	11/11/1996 <sup>189</sup>
Ratified Convention 182:	2/5/2001 <sup>190</sup>
ILO-IPEC participating country:	Yes, associated <sup>191</sup>

### Incidence and Nature of Child Labor

In 1997, approximately 25.4 percent of boys and 16 percent of girls ages 10 to 14 were working in Argentina.<sup>192</sup> In rural areas, children work with pesticides in family and third-party farms in the production of flowers, tomatoes and strawberries.<sup>193</sup> In urban areas, children are engaged in domestic service, food preparation, street sales, and trash recycling.<sup>194</sup> They also work in small and medium businesses and workshops, and they perform odd jobs such as opening taxi doors,

<sup>181</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

<sup>182</sup> Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Article 189; available from <http://www.trabajo.gov.ar/legislacion/ley/index.html>.

<sup>183</sup> U.S. Department of State, "Argentina," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78877.htm>.

<sup>184</sup> Government of Argentina, *Ley Federal de Educación*, No. 24.195, (1993), Article 39; available from <http://www.me.gov.ar/leyfederal/>.

<sup>185</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>186</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://status.uis.unesco.org/>.

<sup>187</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>188</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>189</sup> ILO, *Ratifications by Country*, accessed December 27, 2006; available from <http://www.ilo.org/ilolex/english/docs/declworld.htm>. See also *ILO Convention 138*; available from <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>.

<sup>190</sup> ILO, *Ratifications by Country*. See also *ILO Convention 182*; available from <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>.

<sup>191</sup> ILO, *Ficha País: Argentina*, Lima; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichaargentina.doc>.

<sup>192</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>193</sup> CONAETI, *Trabajo infantil rural*, [online] [cited January 26, 2007]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/rural.htm](http://www.trabajo.gov.ar/conaeti/que_es/rural.htm).

<sup>194</sup> U.S. Department of State, "Country Reports- 2006: Argentina." Section 6d.

washing car windshields, and shining shoes.<sup>195</sup>

Some children in Argentina are exploited in prostitution, sex tourism, and drug trafficking.<sup>196</sup> According to a 2001 report from UNICEF, children are exploited in prostitution in a variety of situations, including in massage parlors, brothels, and on the street.<sup>197</sup> Girls exploited in prostitution are sometimes denied contact with the outside world, threatened, or beaten.<sup>198</sup>

## **Child Labor Laws and Enforcement**

The law sets the minimum age for employment at 14 years. The law allows children under 14 to work in family businesses in a limited number of job categories, as long as such work is not hazardous.<sup>199</sup> Children ages 14 to 18 must present medical certificates that attest to their ability to work and must undergo periodical medical checkups.<sup>200</sup> In addition, a government regulation specifically prohibits the employment of children under 14 in domestic service.<sup>201</sup> Children who have not completed compulsory schooling may obtain permission to work in cases in which their income is necessary for family survival, as long as they continue their studies.<sup>202</sup> Such children are prohibited from working more than six hours a day and 36 hours a week and between the hours of 8 p.m. and 6 a.m. In some cases, however, children ages 16 to 18 can work additional hours.<sup>203</sup>

The law provides for six to 15 years of imprisonment for facilitating the prostitution of children under 13, and four to 10 years when it involves children 13 to 17.<sup>204</sup> The publication and distribution of pornography that features minors carry penalties of six months to four years of imprisonment.<sup>205</sup> Argentine law establishes penalties for the smuggling of minors that range from five to 20 years.<sup>206</sup> Forced labor is also prohibited under Argentine law.<sup>207</sup> In December 2006, the Senate approved an anti-trafficking law that criminalizes trafficking for prostitution and forced labor. Trafficking, or intending to traffic minors, is punishable by prison terms up to

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<sup>195</sup> CONAETI, *Trabajo infantil urbano*, [online] July 14, 2003 [cited May 25, 2005]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/urbano.htm](http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm).

<sup>196</sup> Ibid. See also U.S. Department of State, "Country Reports- 2006: Argentina," Section 6d. See also ECPAT International CSEC Database, *Argentina*, accessed January 26, 2006; available from <http://www.ecpat.net/>.

<sup>197</sup> UNICEF, *La niñez prostituida: Estudio sobre la explotación sexual comercial infantil en la Argentina*, Buenos Aires, October 2001, 35.

<sup>198</sup> U.S. Department of State, "Country Reports- 2006: Argentina," Section 5.

<sup>199</sup> Ibid., Section 6d.

<sup>200</sup> *Ley de Contrato de Trabajo*, Articles 187, 188, and 189.

<sup>201</sup> *Decreto Ley 326/56*, Article 2; available from [http://www.trabajo.gov.ar/asesoramiento/files/decreto\\_%20ley%20\\_326\\_56.doc](http://www.trabajo.gov.ar/asesoramiento/files/decreto_%20ley%20_326_56.doc).

<sup>202</sup> *Ley de Contrato de Trabajo*, Article 189.

<sup>203</sup> Ibid., Article 190.

<sup>204</sup> Government of Argentina, *Código Penal*, Título III, (1921), Article 125 bis; available from [http://www.justiniano.com/codigos\\_juridicos/codigos\\_argentina.htm](http://www.justiniano.com/codigos_juridicos/codigos_argentina.htm).

<sup>205</sup> Ibid., Article 128.

<sup>206</sup> Government of Argentina, *Ley de Migraciones*, Ley 25.871, (January 1, 2004), Article 121; available from [http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes\\_nacionales/ley\\_25871.htm](http://www.jusneuquen.gov.ar/share/legislacion/leyes/leyes_nacionales/ley_25871.htm).

<sup>207</sup> U.S. Department of State, "Argentina," in *Country Reports on Human Rights Practices- 2005*, Washington, DC, March 8, 2006, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2005/61713.htm>.

15 years.<sup>208</sup> Argentine law sets the minimum age for volunteering for the Argentine armed forces at 18 years.<sup>209</sup>

The government has trained 365 labor inspectors and other social actors in identifying child labor and in developing an interdisciplinary approach to the issue.<sup>210</sup> According to the U.S. State Department, Argentina made some progress in its actions against trafficking, mostly in the prevention area. One conviction occurred in September 2006 of a former police officer who was sentenced to 14 years in prison for a trafficking-related prostitution case involving a minor.<sup>212</sup>

## **Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor**

The National Commission for the Eradication of Child Labor (CONAETI), headed by the Government of Argentina, completed the first national child labor survey conducted in the country.<sup>213</sup> Argentina also participates in a USD 2.1 million regional ILO-IPEC child labor survey funded by Canada.<sup>214</sup> During 2006, CONAETI's National Plan to Combat Child Labor was approved and enacted by executive decree.<sup>215</sup> The plan calls for the national consolidation of data, awareness raising, inter-institutional collaboration, stronger inspection mechanisms, mainstreaming of child laborers into the formal education system, research, coordination of child labor laws, and a national program for the prevention and eradication of child labor in rural and urban settings.<sup>216</sup> CONAETI provides technical assistance to action programs implemented by NGOs addressing child labor in the tobacco and trash-picking sectors, including workshops with tobacco producers to encourage corporate social responsibility on child labor issues.<sup>217</sup>

The Public Ministry established the Unit for the Crime Investigation Against Sexual Integrity and Human Trafficking to coordinate national efforts on trafficking issues.<sup>218</sup> At the time of this report, this Unit's work was focused principally in the Federal City of Buenos Aires.<sup>219</sup>

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<sup>208</sup> Página 12, "La trata ya es un nuevo delito federal," *Página 12*, December 7, 2006; available from <http://www.pagina12.com.ar/diario/sociedad/3-77363-2006-12-07.html>.

<sup>209</sup> Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), Article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

<sup>210</sup> Ministerio de Trabajo Empleo y Seguridad Social, *Programa de formación e información sistemática en materia de prevención y erradicación del trabajo infantil*.

<sup>212</sup> U.S. Department of State, E-mail communication to USDOL official, August 3, 2007.

<sup>213</sup> Página 12, "Los chicos ocupados en perder su futuro," *Página 12*, September 4, 2006; available from <http://www.pagina12.com.ar/impresir/diario/elpais/1-72495-2006-09-04.html>.

<sup>214</sup> ILO-IPEC, *IPEC Projects from All Donors Except USDOL*, November 3, 2006.

<sup>215</sup> U.S. Department of State official, Letter to USDOL official, August 2006.

<sup>216</sup> CONAETI, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, October 31, 2002; available from [http://www.trabajo.gov.ar/conaeti/actividades/files/plan\\_nacional\\_consensuado.doc](http://www.trabajo.gov.ar/conaeti/actividades/files/plan_nacional_consensuado.doc).

<sup>217</sup> CONAETI, *Informe de gestión anual*, 2005. See also CONAETI, *Report on the basic fundamental norms on the worst forms of child labor and its eradication*.

<sup>218</sup> Public Ministry, *Resolución del Procurador General*, June 3, 2005; available from <http://www.mpf.gov.ar/Novedades/Resolucion%20UFI%20INTEGRIDAD%20SEXUAL.pdf>.

<sup>219</sup> U.S. Department of State, E-mail communication to USDOL official, August 3, 2007.

The Ministry of Education's Integral Program for Educational Equality strengthens the provision of basic education in urban schools that serve vulnerable populations.<sup>220</sup>

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<sup>220</sup> Ministry of Education, *Programa Integral para la Igualdad Educativa*, [online] [cited October 19, 2006]; available from <http://redteleform.me.gov.ar/piie/>.